

ORDINANCE 2009-64

TO BE ENTITLED: “AN ORDINANCE TO CREATE TITLE 18, CHAPTER 5 OF THE FRANKLIN MUNICIPAL CODE THAT ESTABLISHES PROCEDURES AND REGULATIONS FOR SEWAGE GRINDER PUMP SYSTEMS IN A RESIDENTIAL SETTING.”

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee the Board of Mayor and Aldermen is authorized to prescribe regulations and standards for the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, and addition to private and public sanitary sewer and water systems within the City; and

WHEREAS, in the legislative judgment of the Board of Mayor and Aldermen has determined that sanitary sewer and water regulations and standards must be dynamic and modified from time to time to reflect changes in model codes, construction materials, recognized construction methods, and safety standards necessary to preserve and promote the private and public interest; and

WHEREAS, the Board of Mayor and Aldermen recognize that a public sanitary sewer and water system, when specifically engineered and inspected on a site by site basis, provide a reliable, safe, and cost-effective sanitary sewer and water system.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF FRANKLIN, TENNESSEE AS FOLLOWS:

SECTION I: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that Title 18, Chapter 5 of the Franklin Municipal Code is hereby created and approved to read as follows:

TITLE 18

WATER AND SEWERS

CHAPTER 5. RESIDENTIAL GRINDER PUMP SYSTEMS.

- Sec. 18-501. Sewerage grinder pumps regulated.
- Sec. 18-502. Applicability
- Sec. 18-503. Requirements not covered by code.
- Sec. 18-504. Existing installations.
- Sec. 18-505. Administration.
- Sec. 18-506. Maintenance.
- Sec. 18-507. Enforcement.
- Sec. 18-508. Actions by the City in Case of Malfunction or Nonfunctioning of the Grinder Pump System.

Sec. 18-501. Sewerage grinder pumps regulated.

The purpose of this Chapter is to establish minimum standards to safeguard public health, safety, and welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance and use of grinder pump equipment and systems connected to the City of Franklin Sanitary Sewer System.

Sec. 18-502. Applicability.

The provisions of this Chapter shall apply to the installation, alteration, repairs, relocation, replacement, use or maintenance of grinder pump systems for attached and detached houses and townhouses connected to the City of Franklin Sanitary Sewer System, including those grinder pump systems in existence at the time they are annexed by the City.

Sec. 18-503. Requirements not covered by code.

The Director of Water Management shall determine any requirements necessary for the strength, stability or proper operation of an existing or proposed system, or for the public safety, health and general welfare, not specifically covered by this Chapter.

Sec. 18-504. Existing installations.

Grinder pump systems lawfully in existence at the time of the adoption of this Chapter shall be permitted to have their use and maintenance continued so long as the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such plumbing system, and the holding tank is continuously watertight.

- (1) *Shared grinder pump system.* Two (2) or more properties that share a privately owned grinder pump shall be required to connect to the public sewer with a separate connection if deemed a public nuisance immediately, but in no case longer than ten (10) working days.

Sec. 18-505. Administration.

- (1) *Compliance with State and Local Regulations.* The installation of grinder pump systems is required to comply with State regulations, the International Residential Code and the National Electric Code as adopted by the City, and the instructions supplied by the manufacturer, with the most stringent requirements being applicable. The provisions of this Chapter shall not be deemed to nullify any provisions of state or federal law.

- (a) *Watertight construction.* The holding tank for the grinder pump system shall be watertight.

- i. *Flood zone installation.* Grinder pump systems installed within the 100 year flood plain, or that are subject to frequent immersion shall have a flood resistant cap installed per the manufacturer's installation guidelines.

- (b) *Alarm notification.* Malfunction/non-function and high level alarms with an audio and visual component shall be installed on the exterior and interior of the home.
- (2) *Permission letter required.* The use of grinder pump systems shall be limited to situations where it is impractical to install a gravity sewer system and shall be approved by the Director of Water Management in writing.
 - (a) *Sump specification approval required.* The Director of Water Management shall maintain a list of acceptable types, sizes, and manufacture of pumps for use to connect to the City sewer system. All new grinder pump installations shall use systems from this list. Alternative pump systems may be approved by submitting pump specifications to the Director of Water Management under the seal of a State of Tennessee licensed professional engineer.
- (3) *Fee payment, sewer service agreement, maintenance agreement and access easement required.*
 - (a) *Fee Payment.* The sewer connection fees shall be paid to the Utility Billing Department prior to obtaining any building, plumbing, mechanical or electrical permits from the Building and Neighborhood Services Department.
 - (b) *Sewer Service Agreement.* A sewer service agreement shall be signed by the property owner in order to connect to the City of Franklin Sanitary Sewer System at the Utility Billing Department.
 - (c) *Maintenance agreement and access easement.* A maintenance agreement and access easement shall be signed in order to connect to the City of Franklin Sanitary Sewer System. The easement shall allow for inspection, replacement of pump/pump cartridge, and pumping of the holding tank by city personnel and/or representatives for the grinder pump, piping, tap and controls. The maintenance agreement and easement shall be recorded against the deed.
- (4) *Plumbing and electrical permits required.* A plumbing and electrical permit for the grinder pump system shall be obtained from the Building and Neighborhood Services Department.
 - (a) *Site diagram.* A site diagram shall be submitted that includes location of the grinder pump system on the lot, property lines, locations of primary structure and neighboring structures, and other information needed to determine suitability of the proposed location.
 - i. *Separate connection required.* Each dwelling unit/building must have a separate grinder pump system and sewer connection as stipulated in § 18-206 (2) (d). Existing installations may have shared connections in accordance with § 18-504 (1) and § 18-507.

ii. *Odor nuisance prevention.* When determining location of the grinder pump, odors that may be produced and which could constitute a nuisance, must be considered.

(b) *Inspections.* Plumbing and Electrical Inspectors shall conduct inspections for acceptance in accordance with the policies and procedures of the Building and Neighborhood Services Department within the corporate limits of the city.

i. *Acceptance inspections outside the city boundaries.* Designees of the Director of Water Management shall inspect new grinder pump installations that are outside the corporate limits of the City of Franklin, but within the City of Franklin Sanitary Sewer Service Area for compliance with this Chapter to determine acceptance for connection to the City of Franklin sewer system.

(c) *Acceptance.* After inspectors have confirmed a safe and compliant installation, the grinder pump system will be considered accepted for connection to the City of Franklin Sanitary Sewer. The Utility Billing Department will be notified of acceptance and sewer service fees will be assessed based on water usage.

Sec. 18-506. Maintenance.

The grinder pump system shall be maintained in accordance with the provisions of this section and the current adopted version of the International Property Maintenance Code.

(1) *Responsibility.* The property owner shall be responsible for maintenance, repair, and replacement of the grinder pump system from the primary structure to the tap at the public sewer as outlined in the maintenance agreement described in § 18-505 (3)(c).

(2) *Disconnection of water service if not maintained.* Properties with grinder pump systems that are not operated or maintained in accordance with this Chapter will be subject to disconnection of the water service as stipulated in the sewer service agreements.

(3) *Electrical service to the pump required.* The owner of the property shall maintain electrical service to the grinder pump system at all times.

Sec. 18-507. Enforcement within corporate limits.

(1) *Violations.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of this Chapter.

(2) *Notice of Violation.* The Building Official or their designee shall serve a Notice of Violation to the person responsible for the erection, installation, alteration, extension,

repair, removal, or demolition of plumbing work in violation of the provisions of this code, in violation of a detail statement, the approved construction documents, in violation of a permit, or acceptance issued under this Chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(3) *Prosecution of violation.* If the Notice of Violation is not complied with in the specified time period, the Building Official or their designee shall request the City Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

(4) *Violation penalties.* Any person who shall violate a provision of this Chapter or shall fail to comply with any of the requirement thereof or directive of the Building Official or their designee, or of a permit or acceptance issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine as specified in Title 22 – Comprehensive Fees and Penalties. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(5) *Unsafe Plumbing.* Any grinder pump system regulated by this Chapter that is unsafe, or that constitutes an insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of grinder pump systems regulated by this Chapter constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.

(a) *Authority to condemn equipment.* Whenever the Building Official determines that any grinder pump system, or portion thereof, regulated by this Chapter has become hazardous to life, health or property or has become insanitary, the Building Official or their designee shall order in writing that such grinder pump system either be removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain defective plumbing after receiving such notice.

Sec. 18-508. Actions by the City in Case of Malfunction of the Grinder Pump System.

(1) *Emergency repair.* In the event of grinder pump malfunction where sewage is spilled onto the surrounding soil and the homeowner is unable to repair the system promptly, the City may provide replacement of the pump at the Director of Water Management's discretion and charge the homeowner for labor and materials or the fee necessary to have the work contracted. If the invoice for repair is not paid in thirty (30) days, the fee may be collected on the water bill through a collection agency, or through any other legal means the City determines to be appropriate and proper.

(2) *Sewage spill cleanup required.* In the event of a malfunction or nonfunctioning system that spills sewage, the sewage spill shall be cleaned by removing the contaminated soil, and disposing of it according to County Health regulations. In order to prevent ongoing sewage spillage, the grinder pump holding tank may be caused to be pumped by the Building Official, the Director of Water Management, or their designees. If the invoice for this emergency service is not paid in thirty (30) days, the fee may be collected on the water bill, through a collection agency, or through any other legal means the City determines to be appropriate and proper.

SECTION II: BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall take effect from and after its passage on second and final reading the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

BY: _____
ERIC S. STUCKEY
City Administrator/ Recorder

BY: _____
JOHN C. SCHROER
Mayor

PASSED FIRST READING _____

PASSED SECOND READING _____